



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,165	12/14/2001	Assaf Morag	050704/319163	7381
99434	7590	12/22/2010	EXAMINER	
McKesson Corporation and Alston & Bird LLP			PORTER, RACHEL L	
c/o Alston & Bird LLP				
Bank of America Plaza			ART UNIT	
101 South Tryon St., Suite			PAPER NUMBER	
Charlotte, NC 28280-4000			3626	
			MAIL DATE	
			DELIVERY MODE	
			12/22/2010	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/017,165	<b>Applicant(s)</b> MORAG ET AL.	
	<b>Examiner</b> RACHEL L. PORTER	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/24/10.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,9-12,14,15,17-19,21,23-26,28,29,31-33,35,37-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5, 7,9-12, 14-15,17-19, 21, 23-26,28-29,31-33,35,37-40, and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the amendment filed 2/24/10. Claims 1,3-5, 7,9-12 ,14-15,17-19, 21, 23-26,28-29,31-33,35,37-40, and 42 are pending. Claims 43-48 have been canceled.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/10 has been entered.

### ***Information Disclosure Statement***

3. The IDS's filed 7/6/10 and 10/1/10 have been considered by the Examiner. It is noted applicant has listed Office Actions from applications related to the instant application on the 1449. While the Office Actions have been considered, the references cited in the Office Actions have not been considered.

These references must be submitted in a separate IDS if applicant wishes to have them considered independently.

***Claim Rejections - 35 USC § 101***

4. The rejection of Claims 29-33, and 35-40 and 42, under 35 U.S.C. 101, were withdrawn due to the amendment filed 2/24/10.

The Examiner understands the recitation of “the computer program product comprising a tangible computer usable storage medium having computer readable program code embodied in the medium...” to not include transitory propagating signals (e.g. carrier waves).

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-5, 7, 9-12, and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Based upon consideration of all of the relevant factors with respect to exemplary claims 1 and 7 as a whole, claim(s) 1 and 7 are held to claim an abstract idea, and is/are therefore rejected as ineligible subject matter under 35 U.S.C. 101. The rationale for this finding is explained below: the claim includes insufficient recitation of a machine and there is no physical transformation of underlying into another state or thing.

In particular, the involvement of a machine, or transformation, with the recited steps is merely nominally, insignificantly, or tangentially related to the performance of the steps, (e.g., data gathering, receiving data at a client device). Moreover, the machine is generically recited such that it covers any machine capable of performing the claimed step(s) and therefore fails to recite a particular machine or apparatus.

Dependent claim(s) 3-5 and claims 9-12 and 14 when analyzed as a whole are held to be patent ineligible under 35 U.S.C. 101 because the additional recited limitation(s) fail(s) to establish that the claim(s) is/are not directed to an abstract idea, as they contain similar deficiencies to claim 1 and 7, and also fail to correct deficiencies of claim 1 and 7. Therefore, they are also rejected.

### ***Specification***

6. Applicant's amendment to the specification to address the priority claim is acknowledged.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,3-5, 7,9-12 ,14-15,17-19, 21, 23-26,28-29,31-33,35,37-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teagarden et al (US 6014631A), Walker et al (US 6,302,844), and, Papageorge (US 6,584,445) as applied to claims 1, 7, 15, 21, 29, and 35, and in further view of Sato et al (US 5911687A).

[claim 1] Teagarden discloses a method of providing professional services, the method comprising:

- Receiving entry of information associated with a medical matter of a patient from a client device, wherein the information is entered via a client device in communication with the data processing system; (Figure 9; col. 13, lines 4-18-- capturing patient healthcare and demographic information via a client device, including telephone, PC)
- assigning the person to one of a plurality of pools of people based on the entered information; (col. 15, lines 38 –col.16, line 7)
- enabling the professional services provider qualified to advise people in the assigned pool to view the entered information; and (col. 14; lines 50-col. 15, line 10; col. 16, lines 1-25)

Claim 1 recites that the data is entered by the person (e.g. patient) via the client device. Claim 1 further recites assigning the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a professional services provider qualified to advise people in respective pool.”

Teagarden discloses entering a patient's (i.e. person's) healthcare and demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col. 13, lines 4-18—capturing patient healthcare and demographic information via a client device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a professional services provider qualified to advise people in respective pool.

Walker discloses a method/system wherein assigning the person/patient to a pool is based upon one or more attributes of a professional services provider qualified to advise people in respective pool. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

Claim 1 further recites: providing a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client device; and allowing the person to access the secure area and view the information provided by the professional services provider

Teagarden discloses a system in which the professional services providers and client devices have a security layer to prevent unauthorized access to other workstations and to prevent unauthorized access into their workstations (col. 14, lines 37-48—e.g. providing a secure area). However, Teagarden does not expressly disclose:

- providing a secure area within which the professional services provider provides information advising the patient about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client device; and allowing the person to access the secure area and view the information provided by the professional services provider

Papageorge discloses a medical consultation method comprising: providing a secure area within which the professional services provider provides information advising the patient about the medical matter in response to receipt of the entered information; (col. 7, lines 8-18—physician uses a code to access entered patient information and question), wherein the secure area is accessible by the person via the client device; and allowing the person to access the secure area and view the information provided by the professional services provider (col. 6, lines 55-col. 7, line 8, lines 33-40 data is accessible by patients code and allows doctor and patient to consult and retrieve suggestions via computer.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the method of



Teagarden and Walker in combination with the teaching of Papageorge to provide a secure area for provider-patient consultation and allowing the person to access the secure area and view the information provided by the professional services provider. One would have been motivated to include this feature to allow complex medical decisions to be made more effectively and with more confidence by providing a method and system which includes i) a large patient role in treatment choice based upon the patient's lifestyle and other choices, and ii) patient/physician shared decision making. (col. 4, lines 25-34)

Furthermore Teagarden, Walker and Papageorge disclose the method according to claim 1, as explained in the rejection of claim 1. Furthermore, Teagarden discloses a clinical pharmacist discussing costs with patients (col. 27, line 1-5), but does not expressly disclose code further that provides billing data along with the diagnosis, the treatment recommendation, or the combination thereof, the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof.

Sato discloses that provides billing data (along with the diagnosis, the treatment recommendation, or the combination thereof), the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof. (col. 7, lines 5-15--treatment files is used to calculate the amount owed/medical expenses for the medical treatment provided by the doctor). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the to further modify the method/system/computer

program product of Teagarden, Walker and Papageorge with the teaching of Sato to include code that provides billing information along with diagnosis, treatment recommendation, or the combination thereof, the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof. One would have been motivated to include this feature to ensure that the provider is properly compensated and to reduce or eliminate waiting times usually associated with providing medical care (Sato: col. 3, lines 27-30)

[claim 3] Teagarden discloses the method according to claim 1, further comprising notifying the person that the professional services provider has provided information about the matter within the secure area. (col.15, lines 46-65; col. 16, lines 8-20, 26-35—patients notified of selection for particular treatment; enrollment may occur via phone or online; col.16, lines 26-35; 49-60—clinician calls patient)

[claim 4] Teagarden discloses a method according to claim 1, wherein the information is entered by the person in a predetermined, structured format. (col. 13, lines 4-18)

[claim 5] Teagarden discloses a method according to claim 1, further comprising the following performed prior to accepting entry of information associated with a matter of a person: identifying the person; and verifying that the person is eligible to receive professional services. (Figure 13; col. 16, lines 8-10)

[claim 7] Teagarden discloses a method of providing healthcare services to patients, the method comprising:

- receiving entry of information about a medical condition of a patient, wherein the information is entered via a client device in communication with the data processing system;(Figures 9, 12; col. 13, lines 4-18; col. 14, lines 49-65-- capturing patient healthcare and demographic information via a client device, including telephone, PC)
- assigning the patient to one of a plurality of pools of patients based on the entered patient information; (col. 15, line 38 –col.16, line 7)
- enabling the healthcare provider qualified to treat patients in the assigned pool to view the patient information; (col. 14; lines 50-65; col. 16, lines 8-25)

Claim 7 recites that the data is entered by the person (e.g. patient) via the client device. Claim 7 further recites assigning the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a healthcare provider qualified to treat patients in respective pools.”

Teagarden discloses entering a patient’s (i.e. person’s) healthcare and demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col. 13, lines 4-18—capturing patient healthcare and demographic information via a client device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16,

lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a healthcare provider qualified to treat patients in respective pools.

Walker discloses a method/system one or more attributes of a healthcare provider qualified to treat patients in respective pools. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

Claim 7 further recites: providing a secure area within which the healthcare provider provides a diagnosis, a treatment recommendation, or a combination thereof, for the medical condition of the patient in response to receipt of the entered information, wherein the secure area is accessible by the patient via the client device; and allowing the patient to access the secure area and view the diagnosis or treatment recommendation, or the combination thereof, provided by the healthcare provider.

Teagarden discloses a system in which the professional services providers and client devices have a security layer to prevent unauthorized access to other workstations and to prevent unauthorized access into their workstations (col. 14, lines 37-48—e.g. providing a secure area). However, Teagarden does not expressly disclose:

providing a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client

device; and allowing the patient to access the secure area and view the diagnosis, treatment recommendation, or the combination thereof, provided by the healthcare provider.

Papageorge discloses a medical consultation method comprising: providing a secure area within which the healthcare provider provides a diagnosis, a treatment recommendation, or a combination thereof, for the medical condition of the patient in response to receipt of the entered information, (col. 7, lines 8-18—physician uses a code to access entered patient information and question), wherein the secure area is accessible by the person via the client device; and allowing the patient to access the secure area and view the diagnosis, treatment recommendation, or the combination thereof, provided by the healthcare provider. (col. 6, lines 55-col. 7, line 8, lines 33-40 data is accessible by patients code and allows doctor and patient to consult and retrieve suggestions via computer.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the method of Teagarden and Walker in combination with the teaching of Papageorge to provide a secure area for provider-patient consultation. One would have been motivated to include this feature to allow complex medical decisions to be made more effectively and with more confidence by providing a method and system which includes i) a large patient role in treatment choice based upon the patient's lifestyle and other choices, and ii) patient/physician shared decision making. (col. 4, lines 25-34)

Furthermore Teagarden, Walker and Papageorge disclose the method according to claim 1, as explained in the rejection of claim 1. Furthermore, Teagarden discloses a

clinical pharmacist discussing costs with patients (col. 27, line 1-5), but does not expressly disclose code further that provides billing data along with the diagnosis, the treatment recommendation, or the combination thereof, the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof.

Sato discloses that provides billing data (along with the diagnosis, the treatment recommendation, or the combination thereof), the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof. (col. 7, lines 5-15--treatment files is used to calculate the amount owed/medical expenses for the medical treatment provided by the doctor). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the to further modify the method/system/computer program product of Teagarden, Walker and Papageorge with the teaching of Sato to include code that provides billing information along with diagnosis, treatment recommendation, or the combination thereof , the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof. One would have been motivated to include this feature to ensure that the provider is properly compensated and to reduce or eliminate waiting times usually associated with providing medical care (Sato: col. 3, lines 27-30)

[claim 9] Teagarden discloses the method according to claim 7, further comprising notifying the patient that the healthcare provider has provided the diagnosis or treatment recommendation for the medical condition of the patient within the secure area. (col.15, lines 46-65; col. 16, lines 8-20, 26-35—patients notified of selection for particular treatment; enrollment may occur via phone or online; col. 16, lines 26-35; 49-60—clinician calls patient)

[claim 10] Teagarden discloses the method according to claim 7, wherein the information is entered by the patient in a predetermined, structured format. (col. 13, lines 4-18)

[claim 11] Teagarden discloses the method according to claim 7, wherein a treatment recommendation provided by the healthcare provider includes a medication prescription, and further comprising communicating the medication prescription to a pharmacy for fulfillment. (col. 17, lines 64-col. 18, line 7)

[claim 12] Teagarden discloses the method according to claim 7, further comprising the following performed prior to accepting entry of information about a medical condition of a patient: identifying the patient; and verifying that the patient is eligible to receive healthcare services. (Figure 13; col. 16, lines 8-10)

[claim14] Teagarden teaches the method according to claim 7, wherein allowing the patient to access the secure area and view the diagnosis or treatment recommendation provided by the healthcare provider comprises allowing the patient to select a specific

medication prescription for treating the patient. (col. 16, lines 26-35; col. 17, lines 46-col. 18, line 7)

[claims 15,17-19]

System claims 15,17-19 repeat the subject matter of claims 1,3-5 as a set of computer elements configured to perform particular series steps rather than a series of steps. As the underlying process has been shown to be fully disclosed and computer implemented by the teachings of Teagarden, Walker Papageorge and Sato in the above rejection of claims 1,3-5, it is readily apparent that the Teagarden, Walker and Papageorge references include a computer system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 1,3-5, and incorporated herein.

[claims 21, 23-26, and 28]

System claims 21, 23-26, and 28 repeat the subject matter of claims 7, 9-12, and 14 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Teagarden, Walker and Papageorge in the above rejection of claims 7, 9-12 and 14, it is readily apparent that the Teagarden, Walker, Papageorge, and Sato references include a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 7,9-12, and 14, and incorporated herein.



[claim 29] Teagarden teaches a computer program product that facilitates the provision of professional services, the computer program product comprising a tangible computer usable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information associated with a medical matter of a person, wherein the information is entered via a client device in communication with the data processing system; (Figure 9; col. 13, lines 4-18- capturing patient healthcare and demographic information via a client device, including telephone, PC)
- computer readable program code that assigns the person to one of a plurality of pools of people based on the entered information; (col. 15, line 38 –col.16, line 7)
- computer readable program code that allows the professional services provider qualified to advise people in the assigned pool to view the entered information; and (col. 14; lines 50-65; col. 16, lines 8-25)

Claim 29 recites that the data is entered by the person (e.g. patient) via the client device. Claim 29 further recites assigning the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a professional services provider qualified to advise people in respective pool.”

Teagarden discloses entering a patient’s (i.e. person’s) healthcare and demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col.

13, lines 4-18—capturing patient healthcare and demographic information via a client device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a professional services provider qualified to advise people in respective pool.

Walker discloses a method/system wherein assigning the person/patient to a pool is based upon one or more attributes of a professional services provider qualified to advise people in respective pool. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

Claim 29 further recites: computer readable program that provides a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client device; and computer readable program code that allows the person to access the secure area and view the information provided by the professional services provider.

Teagarden discloses a system in which the professional services providers and client devices have a security layer to prevent unauthorized access to other

workstations and to prevent unauthorized access into their workstations (col. 14, lines 37-48—e.g. providing a secure area). However, Teagarden does not expressly disclose:

computer readable program code that provides a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client device; and computer readable program code that allows the person to access the secure area and view the information provided by the professional services provider.

Papageorge discloses a computer-based medical consultation system wherein a computer provides a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information (col. 7, lines 8-18—physician uses a code to access entered patient information and question), wherein the secure area is accessible by the person via the client device; and computer readable program code that allows the person to access the secure area and view the information provided by the professional services provider. (col. 6, lines 55-col. 7, line 8, lines 33-40 data is accessible by patients code and allows doctor and patient to consult and retrieve suggestions via computer.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the method of Teagarden and Walker in combination with the teaching of Papageorge to provide a secure area for provider-patient consultation. One would have been motivated to include this feature to allow

complex medical decisions to be made more effectively and with more confidence by providing a method and system which includes i) a large patient role in treatment choice based upon the patient's lifestyle and other choices, and ii) patient/physician shared decision making. (col. 4, lines 25-34)

Teagarden, Walker and Papageorge disclose a computer program product according to claim 29, as explained in the rejection of claim 29. Furthermore, Teagarden discloses a clinical pharmacist discussing costs with patients (col. 27, line 1-5), but does not expressly disclose that the information comprises billing data for an amount of money owed to the professional services provider for providing the information advising the person about the medical matter (i.e. wherein billing information for an amount of money owed to the professional services provider for providing the information advising the person about the medical matter is entered into the system.)

Sato discloses a method /system wherein the information comprises billing data for an amount of money owed to the professional services provider for providing the information advising the person about the medical matter. (col. 7, lines 5-15--treatment files is used to calculate the amount owed/medical expenses for the medical treatment provided by the doctor). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the to further modify the method/system of Teagarden, Walker and Papageorge with the teaching of Sato to enter billing information for an amount of money owed to the professional services provider for providing the information advising the person about the medical matter into the system. One would have been motivated to include this feature to ensure that the provider is properly

compensated and to reduce or eliminate waiting times usually associated with providing medical care (Sato: col. 3, lines 27-30)

[claim 31] Teagarden discloses a computer program product according to claim 29, further comprising computer readable program code that notifies the person that the professional services provider has provided information about the matter within the secure area. (col.15, lines 46-65; col. 16, lines 8-20, 26-35—patients notified of selection for particular treatment; enrollment may occur via phone or online; col. 16, lines 26-35; 49-60—clinician calls patient)

[claim 32] Teagarden discloses a computer program product according to claim 29, wherein the information is entered by the person in a predetermined, structured format. (col. 13, lines 4-18)

[claim 33] Teagarden discloses the computer program product according to claim 29, further comprising: computer readable program code that identifies the person; and computer readable program code that verifies that the person is eligible to receive professional services. (Figure 13; col. 16, lines 8-10)

[claim 35] Teagarden discloses a computer program product that facilitates the provision of healthcare services to patients, the computer program product comprising a tangible computer usable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information about a medical condition of a patient, wherein the information is entered via a client device in communication with the data processing system; (Figures 9, 12; col. 13, lines 4-18; col. 14, lines 49-65- capturing patient healthcare and demographic information via a client device, including telephone, PC)
- computer readable program code that assigns the patient to one of a plurality of pools of patients based on the entered patient information; (col. 15, lines –col.16, line 7)
- computer readable program code that allows a healthcare provider qualified to treat patients in the assigned pool to view the patient information; and (col. 14; lines 50-65; col. 16, lines 8-25)

Claim 35 recites that the data is entered by the person (e.g. patient) via the client device. Claim 35 further recites assigning the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a healthcare provider qualified to treat patients in respective pools.”

Teagarden discloses entering a patient’s (i.e. person’s) healthcare and demographic information via a client device (col. 10, lines 55-64; col.11, lines 12-30; col. 13, lines 4-18—capturing patient healthcare and demographic information via a client device, including telephone, PC).

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more

attributes of a healthcare provider qualified to treat patients in respective pools. Walker discloses a method/system one or more attributes of a healthcare provider qualified to treat patients in respective pools. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

Claim 35 further recites: computer readable code that provides a secure area within which the professional services provider provides information advising the person about the medical matter in response to receipt of the entered information, wherein the secure area is accessible by the person via the client device; computer readable program code that allows the patient to access the secure area and view the diagnosis or treatment recommendation, or the combination thereof, provided by the healthcare provider.

Teagarden discloses a system in which the professional services providers and client devices have a security layer to prevent unauthorized access to other workstations and to prevent unauthorized access into their workstations (col. 14, lines 37-48—e.g. providing a secure area). However, Teagarden does not expressly disclose:

computer readable program code that provides a secure area within which the healthcare provider provides diagnosis, a treatment recommendation, or a combination thereof, for the medical condition of the patient in response to receipt of the entered

information, wherein the secure area is accessible by the patient via the client device; and computer readable program code that allows the patient to access the secure area and view the diagnosis, treatment recommendation, or the combination thereof, provided by the healthcare provider.

Papageorge discloses a computer-based medical consultation system wherein a computer provides a secure area within which the professional services provider provides diagnosis, a treatment recommendation, or a combination thereof, for the medical condition of the patient in response to receipt of the entered information (col. 7, lines 8-18—physician uses a code to access entered patient information and question), wherein the secure area is accessible by the person via the client device; and computer readable program code that allows the patient to access the secure area and view the diagnosis or treatment recommendation, or the combination thereof provided by the healthcare provider. (col. 6, lines 55-col. 7, line 8, lines 33-40 data is accessible by patients code and allows doctor and patient to consult and retrieve suggestions via computer.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the system of Teagarden and Walker in combination with the teaching of Papageorge to provide a secure area for provider-patient consultation. One would have been motivated to include this feature to allow complex medical decisions to be made more effectively and with more confidence by providing a method and system which includes i) a large patient role in treatment choice based upon the patient's lifestyle and other choices, and ii) patient/physician shared decision making. (col. 4, lines 25-34)



Teagarden, Walker and Papageorge disclose a computer program product according to claim 35, as explained in the rejection of claim 35. Furthermore, Teagarden discloses a clinical pharmacist discussing costs with patients (col. 27, line 1-5), but does not expressly disclose code further that provides billing data along with the diagnosis, the treatment recommendation, or the combination thereof, the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof.

Sato discloses code that provides billing data (along with the diagnosis, the treatment recommendation, or the combination thereof), the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof. (col. 7, lines 5-15--treatment files is used to calculate the amount owed/medical expenses for the medical treatment provided by the doctor). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the to further modify the method/system/computer program product of Teagarden, Walker and Papageorge with the teaching of Sato to include code that provides billing information along with diagnosis, treatment recommendation, or the combination thereof , the billing data comprises information for an amount of money owed to the healthcare provider for providing the diagnosis, the treatment recommendation, or the combination thereof. One would have been motivated to include this feature to ensure that the provider is properly compensated and to reduce or eliminate waiting times usually associated with providing medical care (Sato: col. 3, lines 27-30)

[claim 37] Teagarden discloses the computer program product according to claim 35, further comprising:

computer readable program code that notifies the patient that the healthcare provider has provided the diagnosis or treatment recommendation for the medical condition of the patient within the secure area. (col.15, lines 46-65; col. 16, lines 8-20—patients notified of selection for particular treatment; enrollment may occur via phone or online; col. 16, lines 26-35; 49-60—clinician calls patient)

[claim 38] Teagarden discloses the computer program product according to claim 35, wherein the information is entered by the patient in a predetermined, structured format. (col. 13, lines 4-18)

[claim 39] Teagarden discloses the computer program product according to claim 35, wherein a treatment recommendation provided by the healthcare provider includes a medication prescription, and further comprising computer readable program code that communicates the medication prescription to a pharmacy for fulfillment. (col. 17, lines 64-col. 18, line 7)

[claim 40] Teagarden discloses the computer program product according to claim 35, further comprising: computer readable program code that identifies the patient; and computer readable program code that verifies that the patient is eligible to receive healthcare services. (Figure 13; col. 16, lines 8-10)

[claim 42] Teagarden discloses the computer program product according to claim 35, wherein the computer readable program code that allows the patient to access the secure area and view the diagnosis and/or treatment recommendation provided by the healthcare provider comprises computer readable program code that allows the patient to select a specific medication prescription for treating the patient. (col. 16, lines 26-35; col. 17, lines 46-col. 18, line 7)

### ***Response to Arguments***

9. Applicant's arguments filed 9/27/10 have been fully considered but they are not persuasive.

(A) The applicant appears to argue newly added features of the claim and the new claims. A new reference, and additional citations and explanations have been provided in prior art rejection to address applicant's arguments and the new combination of features.

(B) Applicant argues that the Sato reference is done solely from doctor's side, and only provides information to the physician.

In response, the Examiner disagrees with applicant's interpretation of the art. First it is noted that the claim language recites "enabling the patient to access the secure area and view data provided by the profession services provider..." The claim language still fails to clarify/ set forth the "secure area" is (i.e. a secure or encrypted site). The step that is being performed is the enabling or the making available of the information.

The examiner understands that Sato reference as providing a billing vs. a treatment of patients for patient history. As disclosed by Sato, treatment history becomes a part of the patients' record and is displayed and reviewed as needed, during interactions with the patient. (col. 7, lines 1-15)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL L. PORTER whose telephone number is (571)272-6775. The examiner can normally be reached on M-F, 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Morgan can be reached on (571) 272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:  
10/017,165  
Art Unit: 3626

Page 28

/R. L. P./  
Examiner, Art Unit 3626

/C. Luke Gilligan/  
Primary Examiner, Art Unit 3626